

## **REMARKS**

### **Allowable Subject Matter**

Applicants again gratefully acknowledge the Examiner's indication that the claim 19 recites allowable subject matter. Applicants further note that claim 49 is not rejected under 35 USC§112, in view of prior art, or under any other grounds for rejection

### **Rejection under 35 USC§112, second paragraph**

Claim 1 is re rejected as allegedly being indefinite with regard to the term semi-crystalline. This rejection is respectfully traversed.

This rejection appears to be an error. Presently, only claims 19, 47 and 49 are being examined, the other claims including claim 1 are withdrawn from consideration. Claims 19, 47 and 49 do not recite semi-crystalline. Withdrawal of the rejection is respectfully submitted.

### **Rejection under 35 USC§102(e)**

Claims 47 and 51 are rejected as allegedly being anticipated in view of the Ohnaga et al. (US 6,143,826). This rejection is respectfully traversed.

Firstly, clarification is requested as to the claims which are subject to the rejection. As noted above, presently only claims 19, 47 and 49 are being examined, the other claims including claim 51 are withdrawn from consideration. See, e.g., the Office Action of December 24, 2002.

US '826 discloses a polymer blend which comprises:

- (A) an acrylic resin;
- (B) a block copolymer consisting essentially of a polymer block of a polymerized aromatic vinyl compound and/or a polymer block of a polymerized methacrylate monoester and a polyolefin polymer block; and
- (C) a polymer miscible with the acrylic resin (A) and immiscible with the block copolymer (B).

The rejection refers to entry 18 in Table 2. This experiment refers to a blend containing 57.5 ppw acrylic resin A1, 100 ppw block copolymer SIM, and 42.5 ppw, AS resin (1). Resin A1 contains methyl methacrylate and methyl acrylate. SIM resin is a triblock polystyrene-polyisoprene-poly(methyl methacrylate) copolymer (13 wt % styrene; 74 wt %

isoprene; 13 wt % methyl methacrylate; number average molecular weight on a polystyrene basis is 69,000) The AS resin (1) is an acrylonitrile/styrene copolymer.

The rejection fails to indicate how this blend exhibits all the features of applicants' claims 47. For example, the rejection does not show how the isoprene block of the SIM triblock copolymer is incompatible with the acrylonitrile/styrene copolymer and the polystyrene block of the SIM triblock copolymer; how the methyl methacrylate block of the SIM triblock copolymer is incompatible with the acrylonitrile/styrene copolymer, the polystyrene block of the SIM triblock copolymer, and the isoprene block of the SIM triblock copolymer.

Also, the acrylonitrile/styrene copolymer is 29.8 wt %, based on 100 ppw block copolymer of the SIM and 42.5 ppw, AS resin (1). Compare applicants' claim 47.

Also, as noted above, the SIM triblock resin contains 13 wt % styrene, 74 wt % isoprene, and 13 wt % methyl methacrylate. Compare applicants' claim 47 wherein remainder of the total weight of styrene thermoplastic resin(s) and the block copolymer is at least one block copolymer with a Mn of between 50,000 and 200,000 g.mol<sup>-1</sup>, composed of:

- 20 to 93 parts by weight of A sequences,
- 5 to 50 parts by weight of B sequences, and
- 2 to 50 parts by weight of C sequences.

To establish anticipation, the prior art reference must teach explicitly or inherently every feature of the claimed invention. Moreover, in making an anticipation rejection, an examiner must show where each and every feature of the claimed invention is described in the allegedly anticipatory reference. See, e.g., *Ex parte Levy*, 17 USPQ2d 1461, 1462 (BOPA 1990) ["Moreover, it is incumbent upon the Examiner to identify wherein each and every facet of the claimed invention is disclosed in the applied reference. "] The rejection does not satisfy this requirement and should be withdrawn.

In view of the above remarks, it is respectfully submitted that Ohnaga et al. (US '826) fails to anticipate applicants' claimed invention. Further, the rejection does not suggest any motivation that would lead one of ordinary skill in the art to modify the disclosure of US '826 in such a manner as to arrive at an embodiment of applicants' claimed invention. Withdrawal of the rejection under 35 USC §102(b) is respectfully requested.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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